

**WASHINGTON STATE
DEPARTMENT OF HEALTH
BOARD OF PHYSICAL THERAPY
PUBLIC MEETING/RULES WORKSHOP MINUTES**

Tuesday, March 21, 2006

9:00 a.m.

The Red Lion Hotel, 18220 International Blvd., Seattle, WA.

On March 21, 2006, the Board of Physical Therapy met at the The Red Lion Hotel, 18220 International Blvd., Seattle, WA. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

MEMBERS PRESENT

CHARLES MARTIN, PT, CHAIR
PAULA DILLON MAYS, PT, VICE-CHAIR
SU SAWYER, PUBLIC MEMBER
MARSHA MELNICK, PT
BRETT WINDSOR, PT

STAFF PRESENT

KRIS WAIDELY, HEALTH SERVICES CONSULTANT 3
JENNIFER BRESSI, HEALTH SERVICES CONSULTANT 1
MELISSA BURKE-CAIN, AAG
PETER HARRIS, STAFF ATTORNEY
JOSH SHIPE, DISCIPLINARY PROGRAM MANAGER

GUESTS PRESENT

SHAWN QUIGLEY, PT
PATRICIA R. MUCHMORE, PT, PTWA
MELISSA JOHNSON, PTWA
SUJATA ACHARYA
HEMANT KOLWAKLAR
GAIL MCGAFFICK – WSPMA

MARTIN L. ZIONTZ – WSPMA
SUSAN SCANLON, DPM, WSPMA
KATHLEEN ALLEN, PT
RANDY JOHNSON, PT
TIM LAYTON, WSMA
RICH BETTESWORTH, PTWA

OPEN SESSION – 9:05 a.m.

1. CALL TO ORDER

- 1.1 Approval of Agenda – The agenda was approved as presented.
- 1.2 Approval of Meeting Minutes from November 15, 2005. – The minutes were approved with grammar corrections.
- 1.3 Approval of Conference Call Meeting Minutes from February 14, 2006. The minutes were approved as presented.
- 1.4 Approval of Conference Call Meeting Minutes from February 17, 2006. The minutes were approved as presented.

2. CORRESPONDENCE – The Board reviewed three correspondences received.

The first correspondence was received on November 30, 2005 asking if a PT has to provide his/her own evaluation of a patient or if the PT can work from an occupational therapist's evaluation. The Board asked Ms. Waidely to respond by referring the individual to WAC 246-915-160.

The second correspondence was received on November 21, 2005 from the American Physical Therapy Association (APTA) asking for approval of their clinical residency program for continuing education. The Board asked Ms. Waidely to respond by referring APTA to WAC 246-915-085.

The third correspondence was received from Bill O'Grady asking if students in a Washington State PT program can learn manipulation in the classroom setting since Washington State RCW 18.74.085 prohibits PT's from performing manipulation. RCW 18.74.150 indicates students are exempt from licensure. The Board asked Ms. Waidely to respond accordingly. Melissa Burke-Cain, AAG will review this correspondence prior to being mailed.

The Board approved Charles Martin to review and approve all the above correspondence prior to being mailed.

3. SIGNATURE DELEGATION - The Board reviewed changes to the Signature Delegation Policy. Ms. Waidely explained that with the reorganization over the last year, staff functions have changed. She asked that Erin Oberland be added to the delegation policy to approve routine licensure applications. Ms. Quigley asked if the delegation policy was dependent upon the position or the individual. Ms. Waidely indicated the individual has to be listed on the policy.

4. PHYSICIAN OWNED PHYSICAL THERAPY PRACTICE – At the March 15, 2005 Board meeting the Board discussed correspondence they received regarding the legality of Physician-Owned Physical Therapy Services (POPTS). The Board asked Ms. Burke-Cain, AAG, to handle this by referring this correspondence to the Attorney General's Office Anti-Trust Division. In addition, the Board asked Ms. Burke-Cain, AAG, to provide information to the Board regarding Physician Owned Physical Therapy Practice. Ms. Burke-Cain, AAG, briefly provided information to the Board regarding Physician-Owned Physical Therapy Services (POPTS).

5. BOARD APPROVED CREDENTIAL EVALUATION SERVICES – The Board reviewed and approved changes made to Policy 4.2, Board Approved Credential Evaluation Services. There are now four (4) evaluation companies available to applicants, International Credentialing Associations, Inc. (ICA), Foreign Credentialing Commission on Physical Therapy, Inc. (FCCPT), International Consultants of Delaware, Inc. (ICD), and the International Education Research Foundation (IERF). On or after March 21, 2006, applicants may choose any one of the four companies. Once an evaluation is received from one company the

applicant may not choose a second company in hopes of a different evaluation. If additional evaluation is needed after Board review the same company must be used.

6. **APPLICANTS FROM UNAPPROVED SCHOOLS** – The Board reviewed and approved changes made to WAC 246-915-120, Applicants from Unapproved Schools. The changes include the new Test of English as a Foreign Language (TOEFL) Internet-based test (iBT) scores. The Board approved Ms. Waidely to proceed with the CR102 stage of this rule.
7. **PROGRAM REPORT** – Information provided to the Board by the Program Manager.
 - a. Legislative Update – Ms. Waidely explained she worked on a bill analysis during the legislative session for athletic trainer licensure and animal massage but the bills did not move through the rules committee. Melissa Johnson indicated she worked with the athletic trainer association on this bill and expects it to be reintroduced next legislative session. Ms. Johnson indicated that PTWA is planning to introduce a PTA licensure bill next session and is looking for names of individuals currently working as PTA's in Washington.
 - b. Budget Update – November 2005, December 2005, January 2006, and February 2006 interim operating reports were provided. January and February reports look different due to changes in how staff obtains the report but the information is the same. The interim operating reports for last years legislative bill were also included. The legislation provided allotment authority so the Board could implement the new legislation which created a second budget for the Board.
 - c. Organization Changes – Ms. Waidely is no longer managing the Occupational Therapy Practice Board. Ms. Waidely's primary focus is to implement last year's legislation by establishing rules and working with the other board she manages.
 - d. Board member appointments/reappointments – Charles Martin and Su Sawyer's board member positions expire on September 18, 2006. Ms. Waidely has sent a recruitment notice out to the interested parties listing and minority associations. Both Mr. Martin and Ms. Sawyer are eligible for reappointment. We will be accepting applications through June 1, 2006.
 - e. Other – Ms. Waidely provided information on the previous discussions regarding the Federation of State Boards of Physical Therapy (FSBPT) asking for Washington State's licensure database. She also explained the Board previously agreed to provide FSBPT and PTWA information on disciplined PT's.
Ms. Waidely indicated there are currently sixteen (16) PT's on inactive status.
 - f. Planning for Upcoming Meetings:

- Ms. Waidely will check with the Georgia PT Board regarding their requirements and the effectiveness of their requirement to have applicants attend a 4-5 hour ethics course.
- Telehealth status update.
- Physical Therapy new Board member training.

8. **FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY (FSBPT) ANNUAL MEETING AND DELEGATE ASSEMBLY** – The Board designated Charles Martin as delegate and Paula Mays as alternate delegate to attend the FSBPT 2006 Annual Meeting and Delegate Assembly in Portland, Oregon on September 8-11, 2006. Mr. Martin indicated that since the meeting is in Portland this year he would like the entire board to attend and the board agreed. Ms. Waidely will register all the board members to attend the meeting.

9. **BOARD OF PHYSICAL THERAPY BUSINESS PLAN 2005-2007** – The Board reviewed and approved the 2005-2007 business plan.

At 12:10 p.m. the board decided that since Ms. Jinkins had not yet arrived and no public were currently in attendance, they would go into closed session to review a disciplinary case.

CLOSED SESSION - 12:10 p.m.

Case # 2005-11-0004PT - Sent to Legal for Statement of Charges.

Ms. Jinkins arrived at 12:25 and the Board went into open session for Ms. Jinkins presentation.

OPEN SESSION – 12:25 p.m.

10. **IMPROVING PATIENT SAFETY** – Ms. Jinkins, Assistant Secretary, Health Systems Quality Assurance, explained who she is and which offices she is responsible for. Health Systems Quality Assurance (HSQA) is made up of four offices, Health Professions Quality Assurance (HPQA), Facility Services and Licensing, EMS & Trauma, and Office of Community and Rural Health. HSQA currently has almost 400 employees and about half the work load is in HPQA. Ms. Jinkins explained why Secretary Mary Selecky wrote the October 2005 memo. Health Professions has received a lot of public interest and criticism while HPQA has been going through process improvements to create consistency among discipline. Secretary Mary Selecky's memo clearly details how disciplinary cases should be prioritized. There are four (4) major Disciplinary processes and we're moving toward a zero tolerance for sexual misconduct. The legislature provided the department with more staff attorneys and investigators.

CLOSED SESSION 12:40 p.m.

Case # 2005-08-0004PT – case status update only

OPEN SESSION 1:00 p.m.

11. **RULE DEVELOPMENT** – The Board reviewed and discussed comments received regarding the draft rule language for Sharp Debridement and Electroneuromyographic Examinations. Several individuals in attendance presented information regarding the current draft language.

Sharp Debridement Education and Training WAC 246-915-XXX - The Washington State Podiatric Medical Association (WSPMA) expressed opposition to the current draft language as they would like to see more education hours listed by competencies for sharp debridement. They feel that 20 hours is not enough education and does not protect the public. The WSPMA did provide comments in writing listing suggestions to the rule. The Board feels the focus on additional education and training should focus on the clinical experience after graduation for sharp debridement. The Physical Therapy Association of Washington (PTWA) agrees with the Board's review of the Commission on Accreditation in Physical Therapy Education (CAPTE) standards. PTWA also mentioned that there is no record of patient harm by PT's performing sharp debridement and that PT's have been safely providing wound care since World War 1. PTWA reported that they surveyed active PT's currently working with sharp debridement and the proposed 20 hours was consistently agreed upon as adequate education and training. Kathleen Allen currently works at Swedish Hospital burn center as a licensed PT treating patients. She indicates that the training received at Swedish is less than 20 hours and provides more than efficient training to perform sharp debridement. Normative Model - CAPTE looks at this model and all schools must meet these minimum standards. The draft rule language was reviewed by Eastern University and Utah University and both schools agreed that all the educational components listed in the letter provided by the Washington State Podiatric Medical Association were being taught in CAPTE approved PT programs. No physical therapist graduates without meeting the minimum wound care requirement. All physical therapists that graduate meet the didactic requirements. There was discussion regarding adding clarification to the rule language clarifying mentored sharp debridement training. Department staff will add clarifying language prior to the next public meeting.

Electroneuromyographic Examinations Education and Training WAC 246-915-XXX - The Washington State Podiatric Medical Association and the Washington State Medical Association oppose the current draft rule language as they would like to see an increase in hours and cases. They believe 200 cases is not enough training to protect the public. PTWA referenced that there is no record of patient harm by a physical therapist performing needle EMG. There was discussion regarding the term electroneuromyographic vs. needle EMG. The Board asked staff to contact Dyke Dickie or Elaine Armantrout to see if they have the definition of electroneuromyographic. The Board approved the proposed draft language

presented with minor grammar changes and agreed to add language clarifying what Electroneuromyographic Examinations include for the purpose of this rule.

The Board will have a conference call meeting in April to finalize proposed rule language. The legislation requires the rules to be effective by July 1, 2006.

12. **OPERATING AGREEMENT** – The Board reviewed and discussed the current operating agreement between the Secretary of the Department of Health and Boards and Commissions. The Board approved the current operating agreement on file.
13. **POLICY REVIEW** – The Board reviewed Policy 4.6 Applicants who have not been actively engaged in physical therapy practice and WAC 246-915-040 Licensure by endorsement – Applicants from approved schools. The Board asked to put this item on the May 16, 2006 meeting agenda.

CLOSED SESSION – 3:30 p.m.

14. REVIEW OF APPLICATIONS

- Applicant A – Denied pending completion of general education and wound care.
- Applicant A-1 – Denied pending completion of general education and wound care.
- Applicant B – Board would like ICA to provide evaluation on the new coursework evaluation tool.
- Applicant C – Denied pending completion of general education, wound care, and pharmacology.
- Applicant D – Denied pending completion of wound care.
- Applicant E – Denied pending completion of general education and wound care.
- Applicant F – Denied pending completion of general education, wound care, and pharmacology.
- Applicant H – Denied pending completion of pharmacology and wound care.
- Applicant I – Denied pending completion of wound care and Test of Spoken English.
- Applicant K – Denied pending completion of general education and wound care.
- Applicant L – Denied pending completion of wound care.
- Re – Exam Applicant – Approved waiver of re-examination.

15. DISCIPLINARY CASE REVIEWS

- 2005-09-0001PT - Case closed below threshold, Risk minimal and not likely to reoccur.
- 2005-08-0002PT - Case closed below threshold, Risk minimal and not likely to reoccur.
- 2006-01-0004PT - Further information was provided to the Board for review - Decision stands - Case to remain closed, within standards of care.

OPEN SESSION

16. **ADJOURNMENT** – The Board agreed to hold a conference call on Tuesday, April 11, 2006 at 3:00 p.m. to proceed with rule writing in order to implement the rule by the July 1, 2006 deadline. The meeting was adjourned at 4:40 p.m.

Respectfully submitted:

Approved:

Jennifer Bressi, Program Manager

Charles Martin, PT, Chair